

Appl. No. 09/932,238

**Remarks**

This supplemental response is in response to Examiner Mitchell's correspondence of January 9<sup>th</sup>, 2008, indicating that the prior response was not fully responsive to the previous action. In the office action of July 3<sup>rd</sup>, 2007, claims 55 and 70-74 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Buchanan et al. (U.S. Patent No. 6,984,591) in combination with March (U.S. Application No. 2001/0055869), Uhlenbrock et al. (U.S. Patent No. 6,690,055) and Kobayashi et al. (U.S. Application No. 2002/0098686) and Applicant requested reconsideration of this rejection.

This request for reconsideration referred the Examiner to a previous notice of allowance that recognized "the prior art fails to disclose or make obvious etching the metal into a rectangular block with its sides vertical with sidewalls defining an opening in an insulation layer including all the limitations of the independent claim."

The Examiner now indicates that the previous notice of allowance did not consider the same prior art that is now applied.

The previous office action relied upon a combination of four references to render the pending claims obvious: Buchanan (considered 6/30/2006); Marsh (cited by the Examiner with the Office Action of 7/12/2006); Uhlenbrock (cited by the Examiner with the Office Action of 5/22/2002); and Kobayashi (cited by the Examiner with the Office Action of 7/3/2007). Prior to issuing the notice of allowance, the Examiner had considered Buchanan,

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Marsh and Uhlenbrock and then made the statement that "the prior art fails to disclose or make obvious etching the metal into a rectangular block with its sides vertical with sidewalls defining an opening in an insulation layer including all the limitations of the independent claim." The Examiner admits as much in the previous office action when he states, "Buchanan does not appear to explicitly disclose . . . etching the second conductive material to form its rectangular block, wherein the sidewalls of the block are aligned vertically between the sidewalls defining the opening in at least the one cross-section." Apparently now the Examiner believes that Kobayashi adds these elements which were previously neither disclosed or made obvious by the combination of Buchanan, Marsh, and Uhlenbrock.

To provide this teaching, the Examiner directs Applicant to paragraph 0022 of Kobayashi which describes the etching of polysilicon. The etching of polysilicon cannot be considered the etching of the second conductive material consisting essentially of a metal as claimed. Nor can the polysilicon be considered this metal when the metal at issue is deposited by providing a metallo-organic precursor and exposing the precursor to a reducing atmosphere. For at least these reasons, Kobayashi does not provide what the prior art has consistently lacked and as recognized by a previous notice of allowance, the pending claims are allowable.

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Claims 55 and 70-74 are believed to be in immediate condition for allowance and Applicant requests allowance of claims 55 and 70-74 in the Examiner's next action. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the Examiner is requested to contact the undersigned at (509) 624-4276 between 8:00 am and 5:00 pm (PST).

Respectfully submitted,

Dated: 2/11/08By: 

Robert C. Hyta  
Reg. No. 46,791

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